

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KERRY J. OWENS, JR.,

Plaintiff,

v.

ORDER

SAMUEL PATEK and
GARRETT MORRIS,

18-cv-624-jdp

Defendants.

Pro se plaintiff Kerry J. Owens, Jr. filed this lawsuit asserting Fourth Amendment excessive-force claims against two police officers. Owens was a state prisoner at the time he filed his complaint, but on November 26, 2019, he was released from Department of Corrections custody. He did not provide the Department of Corrections with a forwarding address, nor did he contact the court to update his address in accordance with the instructions provided at the beginning of this case. *See* Dkt. 6, at 5. The clerk's office contacted Owens's probation office in an attempt to obtain Owens's current address but was told that the probation office didn't have a current address for Owens either.

On January 2, 2020, Magistrate Judge Stephen Crocker gave Owens a deadline of January 17, 2020, to advise the court in writing that he wished to proceed with this lawsuit. Dkt. 43. Judge Crocker warned that if the court had not heard from Owens by that deadline, it would dismiss this case for failure to prosecute. That order was sent to Owens's probation officer in Beloit. The deadline has now passed, and the court has received nothing from Owens. Accordingly, I am dismissing this case with prejudice for Owens's failure to prosecute. *James v. McDonald's Corp.*, 417 F.3d 672, 681 (7th Cir. 2005) ("A district court has the authority under

Federal Rule of Civil Procedure 41(b) to enter a sua sponte order of dismissal for lack of prosecution.”).

ORDER

IT IS ORDERED that plaintiff Kerry J. Owens Jr.’s case is DISMISSED WITH PREJUDICE. The clerk of court is directed to enter judgment for defendants and close this case.

Entered January 28, 2020.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge